



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

U.S. EPA RECORDS CENTER REGION 5



396710

**MAY 04 2001**

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Liberty Mutual  
Edmund Kelly, CEO  
175 Berkeley Street  
Boston, Massachusetts 02116

**Re: Request for Information Pursuant to Section 104(e) of CERCLA regarding Chemetco, facility in Hartford, Madison County, Illinois**

This letter seeks your cooperation in providing information and documents related to insurance placed by your company on behalf of the Chemetco, Inc. during 1970 through 2001. The Chemetco facility in Hartford, Madison County, Illinois has been listed on the National Priorities List (NPL) under the federal Superfund law (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, *et seq.*, commonly referred to as "CERCLA"). This is because the Site is contaminated with hazardous substances that may present a threat to human health or the environment.

The United States Environmental Protection Agency (EPA or "Agency") is investigating the release, or threat of release, of hazardous substances, pollutants or contaminants at the Site. EPA is seeking information concerning the generation, storage, treatment, transportation, and disposal of hazardous substances that have been, or threaten to be, released from the Site. Currently EPA is identifying activities, materials, and parties that contributed to contamination at the Site. Ultimately, EPA, or by agreement, responsible parties, will study the effects of these substances on the environment and public health and implement required response actions, as appropriate. EPA believes that you possess information which may assist the Agency in its investigation of the Site. Enclosure 1 provides background and historical information concerning the Site and Enclosure 2 provides a map of the Site.

EPA is seeking to obtain this information from you pursuant to its authority under Section 104(e) of CERCLA. This authority is further described in Enclosure 3. Specifically, EPA has information that your company placed insurance policies (see August 11, 1999 letter, Enclosure 4) and potentially other policies on behalf of Chemetco. We are requesting that you respond to this Information Request within 21 days of your receipt of this letter. Instruction on how to respond to the questions is found in Enclosure 5 and definitions of terms used therein is found at Enclosure 6. The questions to which you are required to respond are found in Enclosure 7.

Although EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Please note that false, fictitious, or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure 8, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information which may assist the Agency in its investigation of the Site, that information should be submitted within the time frame noted above.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501, *et seq.*

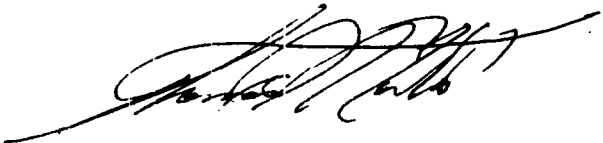
Your response to this Information Request should be mailed to:

Mike R. Rafati, Enforcement Specialist  
U.S. Environmental Protection Agency  
Remedial Enforcement Support Section  
77 W. Jackson Blvd., SR-5J  
Chicago, IL 60604-3590

If you have questions about this information request, the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Thomas Martin, Associate Regional Counsel, at (312) 886-4273. If you have technical questions about this Site, please call Michelle Kerr, Remedial Project Manager, at (312) 886-8961. Address all other questions to Mike R. Rafati, Enforcement Specialist, at (312) 886-0390.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Thomas C. Marks', with a stylized flourish extending to the left.

Thomas C. Marks, Chief  
Enforcement Services Section #2

### **Enclosures**

1. Site Background/History
2. Site Map
3. Legal Authority
4. August 11, 1999 Correspondence
5. Instructions
6. Definitions
7. Information Request
8. Confidential Business Information

## Enclosure 1

### SITE BACKGROUND

Chemetco is located approximately two miles south of the Village of Hartford, Madison County, Illinois. Chemetco was a former secondary copper smelter which operated from 1969 to 2001. The Chemetco property occupies more than 230 acres of land, but the former smelter only operated on 41 acres (the smelter site). Chemetco's major function was recycling or secondary processing of copper-bearing scrap and manufacturing residues. This process produced waste byproducts such as slag, zinc oxide (scrubber sludge), and spent refractory brick. On October 31, 2001, Chemetco shut the facility down, and filed for Chapter 7 bankruptcy on November 13, 2001. On December 7, 2001, the Illinois EPA (IEPA) issued an order to seal Chemetco.

In the course of its operations, Chemetco stockpiled approximately 452,254 cubic yards of waste material called "slag" on the northeast corner of the facility property. In addition, IEPA and United States Environmental Protection Agency (EPA) have identified approximately 62,204 cubic yards of zinc oxide (scrubber sludge) located in five separate areas on the Chemetco property, including a 2.5 acre concrete bunker located at the north end of the facility. Elevated levels of cadmium, chromium, copper, lead, mercury, and zinc, among other heavy metals, have been found in the waste materials present at the Site. In addition, elevated levels of cadmium, copper, lead, and zinc, among other heavy metals, have been found in the wetlands and sediments of Long Lake and its tributary, downstream of Chemetco.

The trustee for the estate of Chemetco is now in the course of liquidating the bankrupt company's assets. The facility has been secured with fencing around the perimeter of the 41 acre site. The State of Illinois and EPA have each filed claims in federal court to address contamination on and off the Site, including the lead, cadmium and zinc detected in wetlands and Long Lake downstream of Chemetco. To better enable use of governmental authority under CERCLA, the federal law that addresses hazardous substances, the State proposed the Site for the National Priorities List (NPL) in 2009. EPA placed the Site on the NPL on March 3, 2010. Placing a Site on the NPL allows EPA to fund and implement remedial actions at the Site. CERCLA also authorizes EPA to recover funds it expends on such sites from responsible parties.

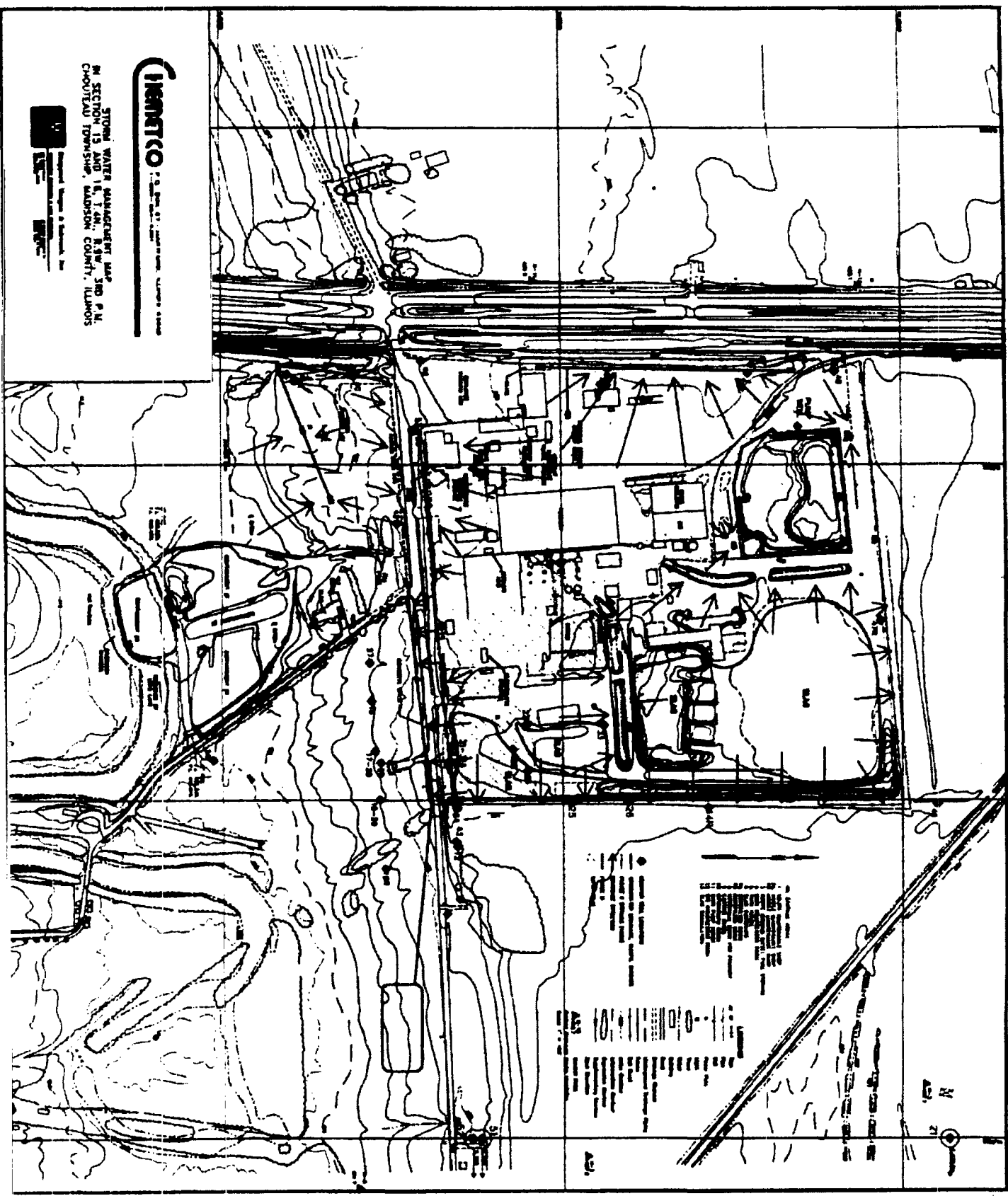
**Enclosure 2**

**SITE MAP**

STORM WATER MANAGEMENT MAP  
IN SECTION 13 AND 18, T.4N., R.1W., 3RD P.M.  
CHOUTEAU TOWNSHIP, MADISON COUNTY, ILLINOIS

**INTEGRITY**

Prepared by: [illegible] Date: [illegible]



### Enclosure 3

#### DESCRIPTION OF LEGAL AUTHORITY

The Federal Superfund law (the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, *et seq.* (commonly referred to as CERCLA or Superfund) gives EPA the authority to, among other things: 1) assess contaminated sites, 2) determine the threats to human health and the environment posed by each site; and 3) clean up those sites.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- A. The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility, or transported to a vessel or facility;
- B. The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility; and
- C. The ability to pay the costs of the clean-up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA. This Section also authorizes an enforcement action with similar penalties if the recipient of the Request does not respond and does not justify the failure to respond. Other statutory provisions (18 U.S.C. § 1001) authorize separate penalties if the responses contain false, fictitious or fraudulent statements. The EPA has the authority to use the information requested in this Information Request in an administrative, civil or criminal action.

**Enclosure 4**

**TOM GESNER AUGUST 11, 1999 LETTER**



SEP- 1-99 WED 7:15 AM FLYNN & GUYMON

FAX NO. 6182330601

P. 2

**FLYNN & GUYMON**

ATTORNEYS

23 PUBLIC SQUARE, SUITE 440

BELLEVILLE, ILLINOIS 62220

618-233-0400

FAX 618-233-0401

PATRICK M. FLYNN

DAVID E. GUYMON

CARLA J. ELLERS

HAROLD SALTZ (1804-1970)

OTIS E. GUYMON (1804-1971)

August 16, 1999

**SENT BY FAX**

Mr. George M. von Stamwitz  
Armstrong Teasdale LLP  
One Metropolitan Square, Ste. 2600  
St. Louis, MO 63102-2740

In re: Paschedag, et al v. Chemetco, Inc., et al  
No. 99-L-689

Dear George:

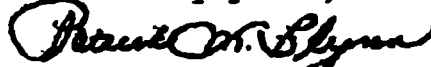
I forward herewith a copy of a letter dated August 11, 1999 which I have received from Tom Gesner, Environmental Claims Specialist, of Liberty Mutual.

I believe you may have more of the information that is requested than I do and, therefore, ask that you please draft a response to Mr. Gesner which we can then review. In response to Paragraph 8 of his letter, I forward herewith a copy of what I believe to be insurance coverage history for Chemetco. I have given notice and made a demand upon all of the carriers with coverage commencing from 1986 forward.

I would like to give some priority to this request so that we can get a response from Liberty Mutual even though I anticipate it will be a denial of coverage.

Thank you.

Sincerely yours,



Patrick M. Flynn

PMF:ek

Enc.

cc: Mr. John Suarez

SEP-1-99 WED 7:15 AM FLYNN & GUYMON

FAX NO. 0102330001

**FLYNN & GUYMON**

ATTORNEYS

25 PUEBLO SQUARE, SUITE 440  
BELLEVILLE, ILLINOIS 62220

618-621-5065  
FAX 618-621-5065

PATRICK M. FLYNN  
DAVID E. GUYMON  
CARLA J. GALE

HAROLD BALTE (1084-1679)  
OTIS E. GUYMON (1084-1679)

9/1/99 8:10  
DATE: August 17, 1999 TIME: 7:55 A.M.        P.M.  
FAX NO.: 314-621-5065  
RE: Paschedag, et al v. Chematco, Inc., et al

TO: George M. von Staszitz cc: John Suarez  
FROM: Patrick M. Flynn

**IMPORTANT: THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYER OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE. THANK YOU.**

SPECIAL INSTRUCTIONS: \_\_\_\_\_

NUMBER OF PAGES: 6 (INCLUDING COVER PAGE)

2 ORIGINAL WILL NOT FOLLOW

ORIGINAL WILL FOLLOW BY:

\_\_\_\_\_  
REGULAR MAIL  
\_\_\_\_\_  
CERTIFIED MAIL, RETURN RECEIPT REQUESTED  
\_\_\_\_\_  
FEDERAL EXPRESS  
\_\_\_\_\_  
OTHER: \_\_\_\_\_

PLEASE NOTIFY PMF IMMEDIATELY  
IF THERE IS A PROBLEM WITH TRANSMITTAL

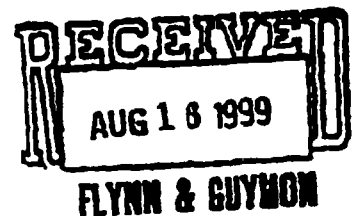


ENVIRONMENTAL DEPARTMENT  
TOM GUYMON

100 Liberty Way - 18  
Dover NH 03820  
Telephone: (603) 749-2600 ext 32244  
Fax: (603) 749-3840

August 11, 1999

Patrick Flynn  
Flynn & Guymon  
23 Public Square, Ste 440  
Belleville, IL 62220



RE: Elroy Paschedag, Jr v. Chemetco, Inc et al  
Various (Long Lake)  
Our Insd: Chemetco Inc  
Our Claim #: P096-Pending

Dear Mr Flynn:

This letter will serve as an acknowledgment of your notification to Liberty Mutual of Chemetco's potential involvement with contamination discovered at the above-captioned site. In accordance with our company's procedures, we will initiate an investigation into the nature of coverage. Your cooperation in this effort is important and, as such, preliminary information is requested from you.

In order for us to begin our evaluation of this claim, we request that you supply certain information to us. Therefore, please provide us with the following information:

1. Please forward copies of all correspondence exchanged between or on behalf of Chemetco and any cleanup agency regarding this site.
2. Please provide a summary of any accidents or incidents that you are aware of which have occurred at this facility at any time during its past which caused or contributed to any contamination of the soils or groundwater. Please provide me with a history of such events, the nature of the incident, the identity of any waste or materials involved, and an explanation of what remediation was accomplished in response to the incident, if any. If there were no such events, would you please confirm that in writing.

3. Please forward a copy of any report that comments a) when contamination at or from this facility was first discovered and b) identifies the source of the contamination and c) defines the nature and extent of contamination of this facility. If there will be a delay in obtaining these documents, please explain the basis of the delay when you forward your response to the other requests for information contained herein.
4. A description of any cleanup or remediation that has taken place as well as the name of the agency responsible for such cleanup/remediation.
5. Documentation of any related costs that may have been incurred thus far.
6. Please identify any other entities that may be involved, and the nature of their involvement. Send copies of any contracts or agreements that may apply.
7. Please provide us with copies of all reports in your possession generated by the IL EPA with respect to this site.
8. Please provide us with a complete coverage history from 1986 to 1997 for both Chemetco and Chemico Metals Corporation as it appears the Liberty Mutual policies may have been effective from 10/1/97-10/1/99 and the allegation is that the "secret pipe" was installed in 1986.

We presently lack sufficient information to comment specifically on how Chemetco's policies may relate to the particular coverage issues present in Environmental Claims of this nature. Accordingly, we reserve all of our rights under applicable law and under all policies of insurance issued to Chemetco by Liberty Mutual and our continued investigation into this matter is not to be construed as a waiver of these rights.

We will be in further contact with you once we have received and reviewed your responses to the information requested. We will review the information as well as our records of your policies and will advise you in more detail of our coverage position once this has been completed. In the interim, please keep us fully informed of any further developments and should you have any questions, please contact us.

Thank you for your anticipated cooperation and I look forward to hearing from you soon.

GENERAL LIABILITY POLICIES FOR CHEMTEC, INC.

8/11/85 - 8/11/86	Western World Insurance Policy No.: GI A 226-001
8/11/86 - 8/11/87	Western World Insurance Policy No.: GL A 261122
8/11/87 - 8/11/88	Western World Insurance Policy No.: SGL000150
8/11/88 - 8/11/89	Home Indemnity Policy No. GLR9095861
8/11/89 - 8/11/90	General Liability Home Indemnity Policy No. JLR9095878
8/11/90 - 8/11/91	The Hartford Policy No. 84 UER MR9592E
8/11/91 - 8/11/92	The Hartford Policy No. 84 UER MR9592
10/1/92 - 10/1/93	The Hartford Policy No. 84 UER MR9597E
10/1/93 - 10/1/94	ITT Hartford Policy No. 83 UER MR9597E
10/1/94 - 10/1/95	ITT Hartford Policy No. 83 UER MR9597 E
10/1/95 - 10/1/96	ITT Hartford Policy No. 83 UER MR9597 E
10/1/96 - 1999	Liberty Mutual

SEP-1-99 WED 7:17 AM FLYNN & GUYMON

FAX NO. 0102330001

Sincerely,  
LIBERTY MUTUAL INSURANCE COMPANY



Tom Gesner  
Environmental Claims Specialist

Enclosure 5

INSTRUCTIONS

1. Answer each of the questions in this Information Request separately.
2. Precede each answer with the number of the question to which it corresponds.
3. In answering each question, identify all persons and contributing sources of information.
4. Although the EPA seeks your cooperation in this investigation, CERCLA requires that you respond fully and truthfully to this Information Request. False, fictitious, or fraudulent statements or misrepresentations may subject you to civil or criminal penalties under federal law. Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes the EPA to pursue penalties for failure to comply with that Section, or for failure to respond adequately to requests for submissions of required information.
5. You must supplement your response to EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA as soon as possible.
6. For any document submitted in response to a question, indicate the number of the question to which it responds.
7. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.
8. Your response must be accompanied by the following statement, or one that is substantially equivalent:

I certify under a penalty of law that this document and all Enclosures were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

9. The individual who prepared the response or the responsible corporate official acting on behalf of the corporation must sign and date the statement, affidavit, or certification. Include the corporate official's full title.
10. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.
11. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Enclosure 8.



## Enclosure 6

### DEFINITIONS

As used in this letter, words in the singular also include the neutral, and words in the masculine gender also include the feminine, and vice versa.

The term **any**, as in any documents for example, shall mean "any and all."

The terms **document** and **documents** shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any computer disk, any information stored on a computer hard drive or memory tape or other type of memory generally associated with computers and data processing; and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

The term **person** as used herein includes in the plural as well as the singular any natural person, firm, contractor, unincorporated association, partnership, corporation, trust or governmental entity, unless the context indicates otherwise.

**The Site** referenced in these documents shall mean the facility located in Hartford, Madison County, Illinois.

The terms **hazardous substance** shall have the same definition as that contained in Section 101(14) of CERCLA, including any mixtures of such hazardous substances with any other substances, including petroleum products.

The terms **pollutant** or **contaminant** shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances.

The term **release** shall have the same definition as that contained in Section 101(22) of CERCLA, and means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant.

The term *identify* means, with respect to a natural person, to set forth the person's full name, present or last known business address, and business telephone number; present or last known home address, and home telephone number; and present or last known job title, position, or business.

The term *identify* means, with respect to a corporation, partnership, business, trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

The term *identify* means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter. The term material shall mean any substance.

The terms *you* or *your company* or *Respondent* refer not only to the addressee of this letter as it is currently named and constituted, but also to all predecessors and successors in interest of the addressee, and all subsidiaries, divisions, affiliates, and branches of the addressee and its predecessors and successors.

All terms not defined herein will have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300 or 40 C.F.R. Parts 260-280, in which case, the statutory or regulatory definitions will apply.

Enclosure 7

**INFORMATION REQUEST**

1. Identify the time period during which Liberty Mutual (Respondent) placed insurance on behalf of Chemetco, Inc., as well as the name and current whereabouts, if known, of individuals at the Chemetco Facility with whom Respondent communicated and the nature of the communication.
2. Provide copies of all documents, records, and correspondence in your possession relating to Chemetco, Inc. In particular, we request copies of all documents you received as a result of the request for information made in Tom Gesner's August 11, 1999, letter (Enclosure 4), as well as any documents relating to the subject of how or to what extent Chemetco's insurance policies covered environmental claims, including but not limited to all related correspondence subsequent to the August 11, 1999, letter.
3. Provide copies of all casualty, liability and/or pollution insurance policies in your possession issued to Chemetco, Inc., from 1970 to 2001, including but not limited to comprehensive general liability, primary, umbrella and excess policies, as well as any environmental impairment liability or pollution legal liability insurance.
4. If there are any casualty, liability and/or pollution insurance policies issued to Chemetco, Inc., from 1970 to 2001, of which you have any evidence, or of which you are aware but neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:
  - a. The name and address of each insurer and of the insured;
  - b. The type of policy and policy numbers;
  - c. The per occurrence or per accident policy limits of each policy;
  - d. Whether each such policy is "primary" or "excess"; and
  - e. The commencement and expiration dates of such policy.
5. To the extent not identified in Questions 3 or 4 above, provide all other evidence of casualty, liability and/or pollution insurance issued to Chemetco, Inc., from 1970 to 2001.
6. For each policy of insurance identified in Questions 3 or 4 above, provide all underwriting, placing and marketing files, claim files, loss control files, and premium audits, as well as any accounting records including retrospective rating adjustments, for each such policy.
7. Provide all documents and files that constitute, evidence, refer, or relate to claims made by Chemetco under any of the policies identified in Questions 3 or 4.
8. Identify all previous settlements by Chemetco (or its predecessors) with its insurers which relate in any way to environmental liabilities and/or to casualty, liability and/or pollution insurance coverage, including:

- a. The date of the settlement;
- b. The scope of release provided under such settlement; and
- c. The amount of money paid by pursuant to such settlement.

Provide copies of all such settlement agreements.

- 9. Please state the name, title and address of each individual who assisted or was consulted in the preparation of the response to this information request.

## Enclosure 8

### CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that the U.S. Environmental Protection Agency (EPA or Agency) is requesting. You cannot withhold information or records upon that basis. The regulations at 40 C.F.R. Part 2, Section 200, *et seq.*, require that EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 *Federal Register* 36902, *et seq.* (September 1, 1976); 43 *Federal Register* 4000, *et seq.* (December 18, 1985).) If no such claim accompanies the information when EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response Compensation Liability Act (CERCA), because, as stated in Section 104(e)(7)(ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish EPA to treat the information or record as "confidential", you must advise EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential" and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency considers the information confidential, e.g., until a specific date or until the occurrence of a specific event;

2. The measures that you have taken to guard against disclosure of the information to others;
3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;
4. Whether EPA or other federal agency has made pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;
5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;
6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. § 2.201(I). If you make this assertion, explain how the disclosure would tend to lessen the ability of EPA to obtain similar information in the future; and
7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. § 2.208(e), the burden of substantiating confidentiality rests with you. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that EPA may maintain their confidentiality pursuant to 40 C.F.R. § 2.205(c). If you do not identify this information and documents as "confidential" your comments will be available to the public without further notice to you.



United States  
Environmental Protection  
Agency  
Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Official Business  
Penalty for Private Use  
\$300

*SESI Rayati*

**CERTIFIED MAIL**



7001 0320 0006 0293 5051

7001 0320 0006 0293 5051

LIBERTY MUTUAL  
EDMUND KELLY, CEO  
175 BERKELEY ST  
BOSTON MA 02116

*Charles F. Kelly, Jr.*

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only. No Insurance Coverage Provided)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Sent To  
LIBERTY MUTUAL  
EDMUND KELLY, CEO  
175 BERKELEY ST  
BOSTON MA 02116

Street, Apt. No.,  
or PO Box No.  
City, State, ZIP+4

SENDER COMPLETION SECTION		ADDRESSEE COMPLETION SECTION	
<p>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Received by (Please Print Clearly) B. Date of Delivery</p>	
<p>1. Article Addressed to:</p> <p>LIBERTY MUTUAL EDMUND KELLY, CEO 175 BERKELEY ST BOSTON MA 02116</p>		<p>C. Signature</p> <p>X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

2. Article Number  
(Transfer from service label)

7001 0320 0006 0293 5051

PS Form 3811, March 2001

Domestic Return Receipt



102505-01-M-1424

*Cheniteo 1042 Report SE-5T*



**United States  
Environmental Protection Agency  
REGION 5  
ENFORCEMENT SERVICES SECTION 2**

Chemetco 104(e)

TO	NAME	SIGNATURE/DATE
Enforcement Specialist	Mike Rafati, originator	 4/29/11
Section Secretary	Francis Rodriguez/Lillie Young, SEE 	L. Young 5/4/11
RPM	Michelle Kerr	M. Kerr 5/3/11
ORC Attorney	Thomas Martin	TGM 5/3/11
Section Chief	Thomas Marks	Tom 5/4/11

☐ RETURN TO SENDER

DUE DATE   1     1  

Comments: